BORA LASKIN LAW LIBRARY
3 1761 06087927 7

# LAW, INSTITUTIONS AND DEVELOPMENT

**Professor Michael Trebilcock**

## VOLUME II

**Faculty of Law**

**University of Toronto**

**2004**

BORA LASKIN LAW LIBRARY
AUG 2 8 2003
FACULTY OF LAW
UNIVERSITY OF TORONTO

# LAW, INSTITUTIONS AND DEVELOPMENT

**Professor Michael Trebilcock**

## VOLUME II

**Faculty of Law**

**University of Toronto**

**2004**

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/lawinstitutionsd02treb

**Law, Institutions and Development**
**2004**
**Professor Michael Trebilcock**

# TABLE OF CONTENTS
**Volume 1**


## 1. CONCEPTIONS OF DEVELOPMENT

A Quantitative Indicators of Development and Underdeveopment

World Bank, "Selected World Development Indicators," in *World Development Report 2000/2001* (Washington, D C World Bank, 2001) 1-1

B Qualitative Conceptions of Development

A Sen, "Introduction Development as Freedom," in *Development as Freedom* (New York Knopf, 1999) 1-7

M Todaro and S Smith, *Economic Development*, 8th ed (Addison-Wesley-Longman, 2002), p 12-24, 33-71 1-33

J Wofensohn, "A Proposal for a Comprehensive Development Framework," World Bank Group, 1999 1-62

C Gender and Development

A Sen, "Chapter 8 – Woman's Agency," in *Development as Freedom* (New York Knopf, 1999), p 189-203 1-76

## 2. NON-INSTITUTIONAL THEORIES OF DEVELOPMENT

A Economics

"Growth is Good," *Economist*, May 27, 2000, p 82 2-1

M Todaro, "Chapter 4 – Classic Theories of Development A Comparative Analysis," in *Economic Development*, 8th ed (Addison-Wesley-Longman, 2002) 2-2

B Culture

L Harrison, *Who Prospers? How Cultural Values Shape Economic and Political Success* (New York Basic Books, 1992), p 106-116 2-16

"Asian Values Revisited What Would Confucius Say Now?" *Economist*, July 25, 1998, p 23-28 2-22

I Tatsuo, "Liberal Democracy and Asian Orientalism," in J Bauer and D Bell (eds ), *The East Asian Challenge for Human Rights* (Cambridge Cambridge University Press, 1999), p 27-59 2-25

"Africa The Heart of the Matter," *Economist*, May 13, 2000, p 22-24 2-42

S A Marglin, "Chapter 1 Towards the Decolonization of the Mind," in Marglin, F A and Marglin, S A (eds ), *Dominating Knowledge Development, Culture and Resistance* (Oxford Clarendon Press, 1991) 2-45

C Geography

J Sachs, "The Limits of Convergence Nature, Nurture and Growth," *Economist*, June 14, 1997 2-60

**3. INSTITUTIONAL THEORIES OF DEVELOPMENT**

M Olson, "Big Bills Left on the Sidewalk Why Some Nations are Rich, and Others are Poor," *Journal of Economic Perspectives* 10(2) (Spring 1996), p 3-24 3-1

D North, "The New Institutional Economics and Third World Development," in J Harriss et al (eds ), *The New Institutional Economics and Third World Development* (London Routledge, 1995), p 17-27 3-22

M Trebilcock, "What Makes Poor Countries Poor? The Role of Institutional Capital in Economic Development," in E Buscaglia et al (eds ), *The Law and Economics of Development* (Connecticut JAI Press, 1977), p 227 3-28

A Shleifer, "Chapter 11 – Government in Transition," in A Shleifer and R W Vishny, *The Grabbing Hand Government Pathologies and Their Cures* (Cambridge, MA Harvard University Press, 1998) p 227 3-51

J Stiglitz, "Whither Reform? Ten Years of the Transition," Keynote Address to the World Bank Annual Conference on Development Economies, 1999 (unpublished) 3-64

D Kaufman et al, "Governance Matters" (Washington, D C World Bank, 1999) 3-98

D Rodrik, A Subramanian, and F Trebbi, "Institutions Rule The Primacy of Institutions Over Geography and Integration in Economic Development," National Bureau of Economic Research Working Paper, October 2002 3-122

World Bank, "Refocusing on the Effectiveness of the State," in *World Development Report*, 1997 (Washington, D C World Bank, 1997) 3-168

Index, "Economic Freedom, Income and Growth" (Washington, D C The Heritage Foundation, 1997) 3-178

**4. POLITICAL REGIMES AND DEVELOPMENT**

A The Relationship Between Economic Development/Growth and Democracy – Empirical Evidence

P H Lindert, "Voice and Growth Was Churchill Right?" National Bureau of Economic Research Working Paper, June 2003 4-1

Analyses

i) Democracy and Development/Markets Hand in Hand

J Bhagwati, "The New Thinking on Development," (1995) *Journal of Democracy*, p 50-64 4-61

ii) The East Asian Experience

M Pei, "The Puzzle of East Asian Exceptionalism," (1994) *Journal of Democracy*, p 90-103 4-69

iii) Civil Society and the Enhancement of Productive Social Capital

R Putnam, "Measuring Institutional Performance" and "Explaining Institutional Performance," in *Making Democracy Work Civic Traditions in Modern Italy* (Princeton Princeton University Press, 1993), p 63-120 4-76

R Putnam, "Bowling Alone America's Declining Social Capital," *Journal of Democracy* 6 (1995), p 65-78 4-107

F Fukuyama, "Social Capital, Civil Society and Development," *Third World Quarterly* 22(1), p 7-20 4-115

B The Challenge Ahead. The Second Stage of Democratic and Economic Reform
Overview of the Issues The Case of Latin America

Moises Naim, "Fads and Fashions in Economic Reforms Washington Consensus or Washington Confusion?" Working Paper prepared for IMF Conference on 2nd Generation Reforms (Washington, D C , November 8-10, 1999) 4-129

"Yours Discontentedly, Latin America," *Economist*, May 13, 2000 4-158

Masipula Sithole, "Democracy and One-Party State Debate in Africa The Case of Zimbabwe," (Cape Town SAPES Trust, 1992) 4-159

T Carothers, "The End of the Transition Paradigm," *Journal of Democracy* 13 (January 2002), p 5-21 4-161

**Law, Institutions and Development**
**2004**
**Professor Michael Trebilcock**

## TABLE OF CONTENTS
**Volume 2**


**5. BUREAUCRACY AND DEVELOPMENT**

A Introduction. A Model of Effective Bureaucracy

J Campos and H Root, "Leadership and the Economic Bureaucracy," in *The Key to the Asian Miracle Making Shared Growth Credible* (Washington, D C The Brookings Institution, 1996), p 138-273 — 5-1

P Woodall, "Survey East Asian Economies," *Economist*, March 7, 1998 — 5-19

B Organizational Reform

S Schiavo-Campo, "Reforming the Civil Service," *Finance and Development* (September 1996), p 10-13 — 5-33

C Decentralization

P Evans, "Government Action, Social Capital and Development Reviewing the Evidence on Synergy," *World Development* 24(6) (1996), p 1119-1132 — 5-37

World Bank, "Bringing the State Closer to People," *World Development Report* 1977, p 110-130 — 5-51

D State-Owned Enterprises

D A C Smith and M Trebilcock, "State-Owned Enterprises in Less Developed Countries Privatization and Alternative Reform Strategies," *European Journal of Law and Economics* 12 (2001), p 217-252 — 5-72

**6. LAW AND DEVELOPMENT**

D Trubek and M Galanter, "Scholars in Self-Estrangement Some Reflections on the Crisis in Law and Development Studies in the United States," *Wisconsin Law Review* 1974(4), p 1062 — 6-1

B Tamanaha, "The Lessons of Law and Development Studies," *American Journal of International Law* 89 (1995), 470 — 6-22

H DeSoto, "The Costs and Importance of the Law," in *The Other Path* (1996), p 131-187 — 6-39

K Davis and M Trebilcock, "Legal Reforms and Development," *Third World Quarterly* 22(1) (2002), p 21-36 6-68

K Davis and M Trebilcock, "Explaining Relative Levels of Commitment to Legality in Developing Countries," (Law and Economics Workshop 2000-2001, University of Toronto) 6-84

F Upham, "Mythmaking in the Rule of Law Orthodoxy," Democracy and Rule of Law Project, Carnegie Endowment for International Peace, Number 30, September 2002 6-109

R Posner, "Creating a Legal Framework for Economic Development," *World Bank Research Observer* 13(1) (February 1998), p 1-11 6-142

D Farber, "Rights as Signals," *Journal of Legal Studies* 31 (January 2002), p 83-98 6-153

T Carothers, "The Rule of Law Revival," *Foreign Affairs* 77 (March/April 1998), p 95-106 6-162

**7. CORRUPTION AND DEVELOPMENT**

Transparency International Press Release, June 27, 2001 7-1

D Treisman, "The Causes of Corruption A Cross-National Study," *Journal of Public Economics* 76 (2000), p 399 7-6

V Tanzi, "Corruption Around the World," IMF Fiscal Affairs Department, 1998 7-65

R Klitgaard, "Curbing Government Corruption," in *Adjusting to Reality* (San Francisco ICS Press, 1991), p 115-138 7-105

**8. ETHNIC CONFLICT AND DEVELOPMENT**

A Dynamics of Ethnic Conflict

General

P Bardham, "Method in the Madness? A Political-Economy Analysis of Ethnic Conflicts in Less Developed Countries," *World Development* 25(9), (1997), 1381-1398 8-1

Trading Elite

A Chua, "The Future of Free Market Democracy," in *World on Fire How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability* (New York Doubleday, 2003) 8-19

B Overcoming Ethnic Conflict

R Klitgaard, *Adjusting to Reality* (San Francisco ICS Press, 191), p 169-229 8-37

**Law, Institutions and Development**
**2004**
**Professor Michael Trebilcock**

# TABLE OF CONTENTS
**Volume 3**


## 9. PROPERTY RIGHTS AND THE ENVIRONMENT

A Introduction. Property Rights and Efficiency

T Eggertsson, "Chapter 10 The State in Neoinstitutional Economics," in *Economic Behavior and Institutions*, (Cambridge Cambridge University Press, 1990) p 317-348 — 9-1

H DeSoto, "Chapter 3 – The Mystery of Capital," in *The Mystery of Capital* (New York Basic Books, 2000), p 39-67 — 9-19

H Fleisig, "Secured Transactions The Power of Collateral," *Finance and Development* 33(2) (June 1996), p 44-46 — 9-49

B Issues in Land Reform

N S Jodha, "Property Rights and Development," in S Hanna et al (eds ), *Rights to Nature Ecological, Economic Cultural and Political Principles of Institutions for the Environment* *Washington, D C Island Press, 1996) — 9-52

M Trebilcock, "Communal Property Rights in Papua New Guinea," *University of Toronto Law Journal* 34 (1984), p 387-400 — 9-60

C Environmental Protection

World Bank, "Overview," World Bank Annual Development Report 2003 (Washington, D C World Bank, 2003) — 9-68

## 10. TAX POLICY AND ADMINISTRATION

G Kerr, "Effective Tax Collection in Less Developed Countries," (Mimeo), April 1998 — 10-1

R M Bird, "Tax Administration and Tax Reform Reflections on Experience," in J Khalizadeh-Sdhirzai and Anwar Shah (eds ), *International Bank for Reconstruction and Development, Tax Policy in Developing Countries* (Washington, D C World Bank, 1991), p 38-56 — 10-52

## 11. CORPORATE GOVERNANCE, FINANCE, SMEs AND MICRO ENTERPRISE

A The Need for Financial Intermediaries

M Gertler and A Rose, "Finance, Public Policy and Growth," in G Caprio et al (eds ), *Finance Reform Theory and Experience* (Cambridge Cambridge University Press, 1994), p 19-34 11-1

F Schiantarelli et al, "Credit Where it is Due," *Financial Reform*, p 64-80 11-17

B Financing the Large Firm. Banks and Stock Markets

Banks

Survey on Banking in LDCs "Fragile, Handle With Care," "The Four to Fear," "Capital Punishment," *Economist*, April 10, 1997 11-26

Articles "South Korea The End of the Miracle" and "Asia Meanwhile, Back Where the Wagons are Circling," *Economist* November 29, 1997, p 21-23, 41-42 11-35

The Role of Stock Markets

R Levine, "Stock Markets A Spur to Economic Growth," *Finance and Development* 33(1) (March 1996), 7-10 11-40

A Singh, "The Stock Market, Economic Efficiency and Industrial Development," in P Arestis and V Chuli (eds ), *Finance, Development and Structural Change Post Keynsian Perspectives* (Addershot Edmund Elgar, 1995), p 71-81, 89-107 11-44

C SMEs

The Missing Middle

B Grosh and G Somolekae, "Mighty Oaks from Little Acorns Can Microenterprise Serve as a the Seedbed of Industrialization?" *World Development* 24 (1996), p 1879-1888 11-59

J Campos and H Root, *The Key to the Asian Miracle Making Shared Growth Credible* (Washington, D C The Brookings Institution, 1996), p 60-64 11-71

D The Microenterprise/Informal Sector

J Charmes, "A Critical Review of Concepts, Decisions and Studies in the Informal Sector," in D Turnham et al, *The Informal Sector Revisited* (Paris OECD, 199), p 17-28 11-74

Micro-Credit

"From Sandals to Suits," *Economist*, February 1, 1991 11-84

H Siebel, "From Cheap Credit to Easy Money," in F J A Bouman and O Hospes, *Financial Landscapes Reconstructed The Fine Art of Mapping Development* (Boulder, CO Westview Press, 1994) 11-85

J Yaron, "Successful Rural Financial Institutions," *Finance and Development* 31(1) (March 1994) 11-97

I Jazairy et al, *The State of World Rural Poverty An Inquiry into its Causes and Consequences* (London International Fund for Agricultural Development, 1990), p 174-176, 210-213 11-101

**12. INFRASTRUCTURE AND DEVELOPMENT**

World Bank, "Infrastructure for Development," World Bank Annual Development Report 1994 (Washington, D C World Bank, 1994) 12-1

R Daniels and M Trebilcock, "Private Provision of Public Infrastructure An Organizational Analysis of the Next Privatization Frontier," *University of Toronto Law Journal* 46 (1996), p 375 12-48

**13. INTERNATIONAL TRADE, FOREIGN INVESTMENT, AND INTELLECTUAL PROPERTY RIGHTS**

A International Trade

"Chapter 14 Trade and Developing Countries," in M Trebilcock and R Howse, *The Regulation of International Trade*, 2nd ed (London and New York Routledge, 1999) 13-1

R Howse and M Trebilcock, "The Fair Free-Trade Debate Trade, Labour and the Environment" 13-16

B Foreign Direct Investment

United Nations Centre on Transnational Corporations, "Relations Between Host Developing Countries and Transnational Corporations," in *Transnational Corporations in World Development Trends and Prospects* (New York United Nations, 1988) Chapter XIX, p 314-329 13-34

J Dunning, "Re-evaluating the Benefits of Foreign Direct Investment," UNCTAD, Transnational Corporations and Investment Companies Without Borders in the 1990s, (London International Thomson Business Press, 1996) 13-51

A Bhattacharya et al, "How Can Sub-Saharan Africa Attract Private Capital Flows?" *Finance and Development* 34(1) (June 1997), p 31-36 13-60

H Safa, "Where the Big Fish Eat the Little Fish Women's Work in the Free-Trade Zones," *NACLA Report on the Americas* (May/June 1997), p 31-36 13-64

"Union-Organizing Breakthroughs in Central American Maquila Sector," and "Workers of the World, Unite," *NACLA Report on the Americas* (May/June 1997), p 1-2, 5 13-70

"The Fun of Being a Multinational," *Economist*, July 20, 1996 13-72

C Intellectual Property Rights

"Chapter 12 Trade-Related Intellectual Property Rights (TRIPs)," in M Trebilcock and R Howse, *The Regulation of International Trade*, 2nd ed (London and New York Routledge, 1999) 13-74

**14. THE ROLE OF FOREIGN AID AND INTERNATIONAL INSTITUTIONS**

A Foreign Aid Trends

International Monetary Fund and World Bank, "Recent Trends in the Transfer of Resources to Developing Countries," Development Committee Meeting, March 29, 2002 14-1

B The Effectiveness of Foreign Aid

P Boone, "Politics and the Effectiveness of Foreign Aid," *European Economic Review* 40 (1996), p 289-329 14-11

World Bank, *Assessing Aid What Works, What Doesn't and Why* (Oxford Oxford University Press, 1998) 14-22

World Bank, Chapters 10 and 11 in *World Development Report 2000/2001* (Washington, D C World Bank, 2001), p 179-204 14-49

D Goldfarb, "Who Gets CIDA Grants? Recipient Corruption and the Effectiveness of Development Aid," Backgrounder for C D Howe Institute, November 29, 2001 14-75

G Helleiner and A Oyejide, "Global Economic Governance, Global Negotiations and the Developing Countries," in United Nations Development Programme, Background Papers to the 1999 Human Development Report Globalization with a Human Face (New York UNDP, 1999) 14-87